

APPEAL NO. 021080  
FILED JUNE 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 5, 2002. The hearing officer determined that the appellant/cross-respondent (claimant) did not sustain a compensable injury on \_\_\_\_\_; that she did not have disability resulting from an injury sustained on \_\_\_\_\_; and that the respondent/ cross-appellant (carrier) is liable for all benefits, both medical and income benefits, which accrued between \_\_\_\_\_, and January 9, 2002, the date the carrier filed a notice of denial of benefits, pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 124.3 (Rule 124.3). The claimant appealed the injury and disability determinations on sufficiency grounds. The claimant's addendum dated May 16, 2002, is timely as a response to the carrier's appeal but is untimely as an appeal. See Section 410.202 and Rule 143.2(c). The carrier cross-appealed, on the timely dispute of compensability issue and, in the alternative, that the claimant has not sustained an injury. The carrier responded to the claimant's appeal urging affirmance.

DECISION

Because a complete record of the CCH is not available for our review, we reverse and remand.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. See Texas Workers' Compensation Commission Appeal No. 93809, decided October 25, 1993. The audiotape recording of the hearing was not included in the record on appeal. In the absence of a complete record, we cannot review the claimant's sufficiency-of-the-evidence contentions. Accordingly, we remand this case for reconstruction of the record. See Texas Workers' Compensation Commission Appeal No. 960968, decided July 3, 1996.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

We reverse the hearing officer's decision and order and remand.

The true corporate name of the insurance carrier is **FIDELITY & GUARANTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN  
ACE USA  
660 E. CAMPUS CIRCLE DRIVE  
SUITE 200  
IRVING, TEXAS 75063.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Robert W. Potts  
Appeals Judge